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Melissa Mitchell, and William Miller*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CHARLES MORRIS,  
  
Plaintiff,  
  
v.  
  
ROMEO ARANAS, et al.,  
  
Defendants.

Case No. 3:18-cv-00310-RCJ-CLB

**DEFENDANTS' MOTION FOR AN  
EXTENSION OF TIME TO REPLY TO  
PLAINTIFF'S OMNIBUS OPPOSITION  
AND CROSS MOTION FOR SUMMARY  
JUDGMENT (ECF NO. 75)  
(FIRST REQUEST)**

Defendants Romeo Aranas, Isidro Baca, Shelly Conlin, Richard Long, David Mar, Melissa Mitchell, and William Miller, by and through counsel, Aaron D. Ford, Attorney General for the State of Nevada, and Katlyn M. Brady, Senior Deputy Attorney General, request this Court extend the deadline to file a reply/opposition **from August 10, 2021, to September 10, 2021.**

**I. INTRODUCTION**

Defendants submit that good cause exists to extend the deadline to reply/oppose Plaintiff's omnibus deadline from **August 11, 2021, to September 10, 2021.** As an initial matter, Plaintiff's combined motion violates the Local Rules as he failed to file the document twice. As a result, Defendants received only a deadline to file a reply in support of Defendants' motion for summary judgment. Upon review of the document, it is clear

1 Plaintiff has filed a cross motion for summary judgment and thus should have filed the  
2 document twice.

3 Further, the prior counsel assigned to defend this matter recently left state  
4 employment thus necessitating the reassignment of this case to another attorney. The  
5 assigned attorney, Deputy Attorney General Alexander J. Smith, recently returned to the  
6 office after going on extended leave to complete the Nevada Bar Exam (he is barred in New  
7 York and is allowed to practice temporarily on a Nevada license pending his successful  
8 passing of the Nevada Bar). Thus, counsel needs additional time to clear the caseload that  
9 accrued during his leave so that DAG Smith can prepare for the reply/opposition.

10 Finally, Plaintiff filed a 75-page omnibus opposition and counter-motion for  
11 summary judgment. Responding to this motion will take an inordinate amount of work as  
12 the newly assigned counsel must familiarize himself with the underlying motion for  
13 summary judgment and evidence in this matter.

14 Accordingly, Defendants seek an extension of thirty days to allow for a reply and  
15 opposition to Plaintiff's omnibus motion.

## 16 **II. BACKGROUND**

17 The operative document in this matter is the Second Amended Complaint (SAC).  
18 ECF No. 43. Plaintiff alleged a deliberate indifference claim regarding the alleged denial  
19 of a surgery and deliberate indifference regarding the denial of a bottom tier classification.  
20 *Id.* at 5.

21 On June 21, 2021, Defendants filed a motion for summary judgment alleging:  
22 (1) Defendants were not indifferent, (2) there was no personal participation, and  
23 (3) Defendants were entitled to qualified immunity. ECF No. 65.

24 On July 27, 2021, Plaintiff filed an omnibus motion opposing Defendants' motion for  
25 summary judgment and seeking summary judgment in Plaintiff's favor. ECF No. 75. In  
26 violation of LR IC 2-2, Plaintiff did not file this motion twice and thus the Court did not  
27 impose a deadline for Defendants to oppose the motion for summary judgment.

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1 Additionally, on July 27, 2021, prior defense counsel left state employment,  
2 necessitating the reassignment of this matter. This matter was reassigned to Deputy  
3 Attorney General Alexander J. Smith, who was on leave attending the Nevada Bar exam.  
4 Upon DAG Smith's return, he has worked significant hours attempting to clear his caseload  
5 so he can prepare a reply and opposition in this matter.

### 6 **III. LEGAL ARGUMENT**

7 Federal Rules of Civil Procedure 6(B)(1) holds a court may extend time to respond  
8 upon a showing of good cause. Under Rule 6, good cause is not a rigorous or high standard.  
9 *Ahanchion v. Kenan Pictures*, 624 F.3d 1253, 1259 (9th Cir. 2010).

10 Defendants move to extend the deadline to reply and oppose Plaintiff's motion from  
11 August 10, 2021, to September 10, 2021. Good cause supports this request as this matter  
12 has been reassigned to a new attorney and given the length of Plaintiff's motion, additional  
13 time is necessary to ensure a competent and sufficient response.

### 14 **IV. CONCLUSION**

15 For the reasons above, Defendants respectfully request this Court extend the  
16 deadline to reply and oppose Plaintiff's motion from August 10, 2021, to September 10,  
17 2021.

18 DATED this 10th day of August, 2021.

19 AARON D. FORD  
20 Attorney General

21 By: /s/ Katlyn M. Brady  
22 KATLYN M. BRADY (Bar No. 14173)  
23 Senior Deputy Attorney General

24 *Attorneys for Defendants*

25 IT IS SO ORDERED.  
26 Dated: August 11, 2021

27   
28 UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on August 10, 2021, I electronically filed the foregoing **DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO REPLY TO PLAINTIFF'S OMNIBOUS OPPOSITION AND CROSS MOTION FOR SUMMARY JUDGMENT (ECF NO. 75) (FIRST REQUEST)** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

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*Plaintiff, Pro Se*

/s/ Carol A. Knight  
CAROL A. KNIGHT, an employee of the  
Office of the Nevada Attorney General